IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929

WP(C).No. 24898 of 2007(L)

PETITIONER:

JYOTHY LABORATIORIES LTD,
PANNISSERY,KOONAMMOCHI,
THRISSUR -680 504,REP. BY ITS AUTHORIZED
SIGNATORY,M.P.DIVAKARAN.

BY ADV. SRI.M.P.ASHOK KUMAR

RESPONDENTS:
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1. THE DEPUTY SUPERINTENDENT OF POLICE
KUNNAMKULAM,
THRISSUR DISTRICT.

2. THE SUB INSPECTOR OF POLICE,
GURUVAYOOR POLICE STATION,
THRISSUR DISTRICT

3. JYOTHY LABORATORIES LABOUR UNION (CITU)
REP. BY ITS SECRETARY,
PANNISSERY,KOONAMOOCHY
THRISSUR DISTRICT.

4. VANIJYA VYAVASAY MASDOOR SANGHAM (MS)
REP. BY ITS SECRETARY,
PANNISSERY,KOONAMOOCHY
THRISSUR DISTRICT.

***5. THE REGIONAL JOINT LABOUR COMMISSIONER,**
CIVIL STATION, KAKKANAD, ERNAKULAM.

***ADDL. R5 IS IMPLEADED AS PER ORDER DATED**
09/10/2007 IN IA NO. 13370/2007.

BY ADV. SRI.N.NAGARESH -- R3 AND R4
SRI.BINU PAUL
GOVERNMENT PLEADER SRI. P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 24898/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE FORM Q NOTICE OF CLOSURE DT. 31/5/2007.

EXT.P2. COPY OF THE PHOTOGRAPHS SHOWING THE OBSTRUCTION CREATED BY THE FOLLOWERS OF 4TH AND 5TH UNIONS.

EXT.P3. COPY OF THE COMPLAINT DT. 10/08/2007.

EXT.P4. COPY OF THE NOTICE DT. 08/08/2007 ISSUED BY THE DLO.

EXT.P5. COPY OF THE REPLY DT. 13/08/2007.

EXT.P6. COPY OF THE PETITION DT. 3/09/07.

EXT.P7. COPY OF THE COMPLAINT DT. 30/08/07.

EXT.P8. COPY OF THE COMPLAINT DT. 31/08/2007.

EXT.P9. COPY OF THE COMPLAINT DT. 3/09/2007.

EXT.P10. COPY OF THE PHOTOGRAPHS SHOWING THE OBSTRUCTION CAUSED BY THE UNIONS IN FRONT OF THE FACTORY GATE ON 5/09/2007.

EXT.P11. COPY OF THE REPRESENTATION DT. 22/10/07 BY THE PETITIONER BEFORE THE REGIONAL JOINT LABOUR COMMISSIONER.

EXT.P12. COPY OF THE REPRESENTATION DT. 26/10/2007 BY THE PETITIONER BEFORE THE REGIONAL JOINT LABOUR COMMISSIONER.

EXT.P13. COPY OF THE PHOTOGRAPHS SHOWING THE ATTACKED MINI LORRY BEARING NO. KL-8A/2986.

EXT.P14. COPY OF THE -DO- SHOWING THE ATTACKED TRANSPORT CARRIES BEARING NO. KL-8A/2188 AND KER 6536.

EXT.P15. COPY OF THE -DO- SHOWING THE DEMOBLISHED FRONT DOOR OF THE OFFICE.

EXT.P16. COPY OF THE FIR DATED 29/10/2007.

RESPONDENT'S EXHIBITS

EXT.R3A. COPY OF THE LETTER DT. 14/6/2007 SUBMITTED TO THE DIST. LABOUR OFFICER, THRISSUR ALONG WITH A COPY OF CHARTER OF DEMANDS.

EXT.R3B. COPY OF THE NOTICE DATED 27/7/07 PUBLISHED BY THE PETITIONER.

EXT.R3C. COPY OF THE LETTER DT. 07/08/2007 TO THE DLO, THRISSUR BY R4.

EXT.R3D. COPY OF THE NOTICES OF CONCILIATION ISSUED BY THE DIST. LABOUR OFFICER, THRISSUR.

EXT.R3E. COPY OF THE COMPLAINT DT. NIL FILED ON 25/08/07.

EXT.R3F. COPY OF THE WRITTEN COMPLAINT DT. 5/09/07 BY THE PETITIONER TO THE R2.

EXT.R3G. COPY OF THE COMPLAINT DT. 8/09/2007 TO THE DY. S.P. (WOMEN'S CELL) THRISSUR.

EXT.R3H. COPY OF THE STATEMENT DT. 3/09/2007 BY THE R1.

K.BALAKRISHNAN NAIR &

K.P.BALACHANDRAN, JJ.

W.P.(C) NO. 24898 OF 2007-L

Dated 12th November, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner has approached this Court, claiming police protection. After hearing both sides, this Court passed an elaborate order on 23.8.2007, granting the prayer of the petitioner concerning police protection, subject to certain conditions. The learned counsel for the petitioner pointed out that the police are not obeying the direction issued by this Court in the said order and therefore, he prays for further directions. We feel that if a direction issued by this Court is disobeyed, this Court is not justified in issuing further directions concerning the very same subject-matter. The petitioner has to invoke the contempt jurisdiction. Further, the learned Government Pleader vehemently denies the submission of the petitioner that the police are disobeying the direction of this Court.

2. Having regard to the facts of the case, we are satisfied that the interim order already passed by us will meet the ends of justice.

Accordingly, the said interim order is made absolute and the Writ Petition is disposed of.

K.BALAKRISHNAN NAIR, JUDGE.

K.P.BALACHANDRAN, JUDGE.

Nm/